

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Timothy C. DUNN Confirmation No.: 3705
Application No.: 10/626,896 Group No.: 1641
Filed: July 24, 2003 Examiner: Christopher L. CHIN
For: METHOD AND DEVICE FOR PREDICTING PHYSIOLOGICAL VALUES

☐ Patent No.*: Issued:

**Note: Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
(37 C.F.R. §1.27(G)(2))

Note: "Notification of loss of entitlement to small entity status is required when issue and maintenance fees are due. Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in §1.33(b). Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate." 37 C.F.R. §1.27(g)(2).

Note: From the above portion of 37 C.F.R. §1.27(g)(2), it is only a change in status "resulting in loss of entitlement to small entity status" that must be filed, and a change from one small entity to another small entity status requires no notification.

CERTIFICATION UNDER 37 C.F.R. § 1.8(C) AND § 1.6(a)(4)

I hereby certify that this correspondence is being transmitted via The Office electronic filing system in accordance with 37 CFR 1.6(a)(4) on:

Date: April 23, 2008

/Sarah K. Flohr/
Signature

Sarah K. Flohr
(type or print name of person certifying)

"Only the date of filing (§1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under §1.8 continues to be taken into account in determining timeliness. See §1.703(f). Consider "Express Mail Post Office to Addressee" (§1.10) or facsimile transmission (§1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Applicant hereby notifies the Patent and Trademark Office that it is no longer entitled to status as a small entity, and that the assertion for small entity status, set forth

(complete a and/or b as applicable)

- a. ☐ by paying the filing fee as a small entity on _____ (Date)
- b. ☒ by the paper filed on June 25, 2004 (Date)

Note: "The notification that small entity status is no longer appropriate must be signed by a party identified in §1.33(b)." 37 C.F.R. §1.27(g)(2).

35 C.F.R. §1.33(b):

"(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to §1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- 1. A registered attorney or agent of record appointed in compliance with §1.34(b);*
- 2. A registered attorney or agent not of record who acts in a representative capacity under the provisions of §1.134(a);*
- 3. An assignee as provided for under §3.71(b) of this chapter; or*
- 4. All of the applicants (§1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with §3.71 of this chapter.*

Date: April 23, 2008

Khoi Q. Ta
(print or type name of person signing)

/Khoi Ta/

Signature

Registration No: 47,300

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
408-942-5721

- ☐ Inventor (s)
- ☐ Assignee(s) of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☒ Practitioner of record under §34(b)
- ☐ Filed under §34(a)

Customer No: 000027777